



State of Michigan Attorney General Bill Schuette

AG / MEDIA / PRESS RELEASES

Michigan Supreme Court Clarifies Marijuana Law: Dispensaries Not Permitted, Retail Marijuana Sales Prohibited

Contact: Joy Yearout 517-373-8060

February 8, 2013

LANSING - Attorney General Bill Schuette today praised a significant ruling from the Michigan Supreme Court which found marijuana dispensaries can be shut down under Michigan's public nuisance law. The 4-1 ruling virtually prohibits all retail marijuana sales. The Court ruled that sales or transfers of medical marijuana beyond those permitted for the narrow universe of registered caregivers and their connected five patients violate the Michigan Medical Marijuana Act (MMMA).

The case arose from Schuette and Isabella County Prosecutor Larry Burdick's challenge to a for-profit scheme of marijuana sales among patients at a Mount Pleasant marijuana dispensary, Compassionate Apothecary. The ruling now stands as statewide precedent for all other lower court cases and carries immediate effect.

The Michigan Supreme Court ruled Compassionate Apothecary is in violation of the MMMA in *State of Michigan v. Brandon McQueen and Matthew Taylor, d/b/a Compassionate Apothecary, LLC*. The Court concluded that:

- The MMMA does not legalize marijuana;
- The MMMA does not permit marijuana dispensaries;
- The MMMA prohibits unrestricted retail sales of marijuana;
- The "medical use" of marijuana under the MMMA limits marijuana transfers or sales to a registered caregiver and that caregiver's five registered qualifying patients, as connected through the State's medical marijuana registry;
- The MMMA does not offer immunity to a registered qualifying patient who sells or transfers marijuana to another registered qualifying patient; and,
- The MMMA does not offer immunity to a registered primary caregiver who sells or transfers marijuana to anyone other than a registered qualifying patient to whom the caregiver is connected through the State's medical marijuana registry.

In today's ruling, the Michigan Supreme Court concluded:

Because the business model of defendants' dispensary relies entirely on transactions that do not comply with the MMMA, defendants are operating their business in "[a] building . . . used for the unlawful . . . keeping for sale . . . or furnishing of a controlled substance," and the plaintiff is entitled to an injunction enjoining the continuing operation of the business because it is a public nuisance. (pp. 21-22)

"Today Michigan's highest Court clarified that this law is narrowly focused to help the seriously ill, not an open door to unrestricted retail marijuana sales," said Schuette. "Dispensaries will have to close their doors. Sales or transfers between patients or between caregivers and patients other than their own are not permitted under the Medical Marijuana Act."

Schuette will send a letter to Michigan's 83 county prosecutors explaining that the ruling clearly empowers them to close dispensaries and include instructions on how to file similar nuisance actions to close dispensaries in their own counties.

In March 2011, Schuette joined Isabella County Prosecutor Larry Burdick in the case. The Isabella County prosecutor's office sought to have Compassionate Apothecary, a medical marijuana club owned by Mt. Pleasant residents Brandon McQueen and Matthew Taylor, declared a public nuisance and closed on the grounds its activities violated the MMMA. Burdick and Schuette argued the marijuana dispensary violated the Michigan Medical Marijuana Act (MMMA) by allowing profits from medical marijuana sales, in addition to patient-to-patient marijuana transactions, and the possession of medical marijuana in excess of legal limits by the club owners. The club allowed patient-to-patient sales of marijuana, with the club profiting by taking a 20% commission.

-30-

[Michigan.gov Home](#) | [AG Home](#) | [FOIA](#) | [State Web Sites](#) | [Office of Regulatory Reinvention](#) | [Open Michigan](#)
[AG Privacy Policy](#) | [AG Web Disclaimer](#) | [Policies](#) | [Michigan News](#) | [ADA](#)

Copyright 2017 State of Michigan